



SIGNED THIS 3rd day of May, 2019

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.

Rebecca B. Connely

Rebecca B. Connely
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

IN RE:

JOANNE DAWSON SCOTT
FKA JOANNE DAWSON

Debtor

Case No. 17-61810-RBC
Chapter 13

SPECIALIZED LOAN SERVICING LLC
8742 Lucent Blvd.
Suite 300
Highlands Ranch, CO 80129

Motion No.

Movant

v.

JOANNE DAWSON SCOTT
FKA Joanne Dawson
616 Ripplebrook Drive
Culpeper, VA 22701

Respondents

CONSENT ORDER MODIFYING AUTOMATIC STAY

Upon consideration of the Movant's Motion Seeking Relief from the Automatic Stay, the parties having reached an agreement, and good cause having been shown, it is by the United States Bankruptcy Court for the Western District of Virginia

ORDERED that the Automatic Stay be, and it is hereby, modified pursuant to 11 U.S.C. Sections 362(d), to permit Movant to commence foreclosure proceeding against the real property and improvements with a legal description of "The land referred to in this Commitment is described as follows: All that certain tract or parcel of land, with all improvements thereon and all appurtenances thereunto, lying and being in East Fairfax

Magisterial District in the Town and County of Culpeper County, Virginia, and more particularly described as Lot 56, Section I, of Southridge Subdivision as shown on plat of Greenhome & O'Mara, Inc. dated May 3, 1988, and recorded in the Clerk's Office of the Circuit Court of Culpeper County, Virginia in Plat Cabinet 1 at Slides 200 and 201; together with an easement right of way for ingress and egress to Associates Drive Cromwell Court, Middle Ridge Drive, and the "existing ingress and egress easement" as shown on said plat. AND BEING the same property conveyed to Joanne Scott by Deed dated November 4, 2003 and recorded as Instrument Number 030013742 among the aforesaid land records", also known as 616 Ripplebrook Drive, Culpeper, VA 22701 and to allow the successful purchaser to obtain possession of same; and be it further

ORDERED that the above Order be and it is hereby, stayed provided that:

1. The Chapter 13 Trustee shall make a payment to the Movant of \$993.68 said payment represents the regular mortgage payment by June 1st, 2019 and continue thereafter to make regular monthly payments as they become due pursuant to the terms of the Promissory Note secured by the Deed of Trust on the above referenced property; and per the proposed Amended Plan the ongoing regular Payments will be made by Trustee beginning June 1st, 2019; and
2. Within Fourteen days the Debtor will file an Amended Chapter 13 Plan to include the post-petition arrears of \$6,883.90 which is comprised of 6 payments for 12/01/2018 - 05/01/2019 at \$993.68, Attorney Fees and Costs of \$1,031.00 and less a suspense balance of (\$109.18). Movant shall file an amended proof of claim to include the arrears; and

The parties hereby agree, and the Court hereby Orders that, the amount of Post-petition arrears are determined to be \$6,883.90 for the time period of 12/01/2018 - 05/01/2019. If this post-petition arrearage is provided for in a confirmed plan: (i) this determination of its amount shall be considered sufficient for the Trustee to pay this amount without the need for the Movant to file a supplemental or new claim; (ii) the Trustee shall make payments on this post-petition claim to the same address on the Movant's already filed claim, and (iii) if a supplemental or new claim for post-petition arrears is filed by the Movant with a different amount or address than that set forth above, it shall supersede this information and the Trustee shall adjust payments on this claim accordingly, with rights reserved to all parties to object for good cause shown.

3. All payments to the Movant should be made to:

Specialized Loan Servicing LLC
P.O. Box 636007
Littleton, Colorado 80163

In the event that the Debtor fails to make plan payments in accordance with the confirmed plan which results in the Chapter 13 Trustee being unable to make the ongoing monthly mortgage payments and/or the mortgage arrearage payments, then in such event Movant may give written notice to the Court, Counsel for the Debtor, the Debtor, and Trustee of the failure to receive such payment with said written notices to be limited to three (3) separate occasions. Should a fourth (4th) default occur, Movant may submit a Certificate of Default along with a draft Order terminating the automatic stay endorsed by the Chapter 13 Trustee, and the Court may grant relief from the automatic stay without further notice to the debtor.

If the Debtor fails to object in writing within fifteen (15) days of the date such notice is sent and to request a hearing thereon, or should a fourth (4th) default occur, Movant may submit a Certificate of Default along with a draft Order terminating the

automatic stay endorsed by the Chapter 13 Trustee, and the Court may grant relief from the automatic stay without further notice to the debtor. Upon entry of an Order granting relief from the automatic stay, (a) Movant is entitled to avail itself of its contractual remedies, (b) the Trustee will cease making any payments on the Movant's secured claim which were required by the plan, and (c) Movant must file an amended unsecured claim within 180 days for any deficiency, accompanied by an accounting/breakdown for which the claim is filed, or such claim against the Bankruptcy estate shall be forever barred upon discharge of the Debtor in this Bankruptcy case.

ORDERED that the fourteen (14) day stay of Rule 4001(a)(3) be, and it is hereby, waived and the terms of this Order are immediately enforceable; and be it further

ORDERED that the Automatic Stay of 11 U.S.C. Section 362 be, and it hereby, shall not be reimposed as to the Debtor's interest, by the conversion of this case to a case under any other chapter of the Bankruptcy Code.

END OF ORDER

AGREED AND CONSENTED TO:

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.
Attorney for Movant

/s/ John Paul Goetz

John Paul Goetz
Attorney for Debtor

SEEN:

/s/ Herbert L. Beskin

Herbert L. Beskin
Trustee

cc:
Mark D. Meyer, Esquire
Rosenberg & Associates, LLC
4340 East West Highway
Suite 600
Bethesda, MD 20814

Herbert L. Beskin
Trustee
P.O. Box 2103
Charlottesville, VA 22902

John Paul Goetz, Esquire
John Goetz Law, PLC
86 W. Shirley Avenue
Warrenton, VA 20186

Joanne Dawson Scott
FKA Joanne Dawson
616 Ripplebrook Drive
Culpeper, VA 22701

CERTIFICATE OF ENDORSEMENT BY ALL PARTIES

I HEREBY CERTIFY that on April 26, 2019, a copy of the foregoing Order was reviewed and endorsed by all necessary parties.

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.